UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/NGO/1
24 June 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session
Item 7 of the provisional agenda

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Written statement submitted by Survival International Limited,
a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 June 1999]

GE.99-13792 (E)

Violations of the rights of the Guarani of Mato Grosso do Sul State, Brazil

Introduction

1. Survival International is concerned over the lack of recognition of many Guarani communities' land rights and the continuing high rate of suicide amongst the Guarani. Lack of land has also given rise to malnutrition and consequent illness and death. It has also forced the Guarani to seek employment outside the indigenous areas, where they come into contact with alcoholism, prostitution, and are exploited as cheap labour in the alcohol refineries in the region.

I. THE GUARANI

2. The Guarani in Brazil are divided into three groups: Mbyá, Kaiowá and Ñandeva. The Kaiowá, the majority, and the Ñandeva live in the State of Mato Grosso do Sul (MS). Before the arrival of the Europeans, the Guarani occupied a vast region in the south-centre and south-east of South America. There were an estimated 1.5 million Indians in a territory approximating 350,000 km^2. For two centuries they occupied more than 25 per cent of MS: over 8 million hectares. The Guarani in Brazil now number about 30,000.

3. According to the anthropologist Melia, the Kaiowá are the Guarani who best define and recognize their territorial limits. In MS, they identify their area with precision, naming rivers, valleys and mountains; some of these carry Guarani nomenclature in official maps, e.g. Serra de Mbaracajú, Rio Jejui, and Serra de Amambai. Historical records show that the immemorial presence of the Guarani Kaiowá on these lands is indisputable.

Land, history and current situation

4. The mass invasion of Guarani land started at the turn of the century when tea, then maize, sugar cane and soy plantations and cattle ranches progressively took over Indian land. The Guarani were used to establish the farms, and then dismissed; they subsequently sought to return to their tekoha, their place and particular way of being. Some of these tekoha were by then occupied by farms and non-Indian settlements. The Government then created the village policy, aiming to retain only a small piece of land for the Indians, thereby initiating the process of social disintegration among the Guarani.

5. Between 1915 and 1928 the Indian Protection Service (SPI) demarcated eight reserves, totalling 19,700 hectares. Some of these were close to urban areas, so as to speed up the integration process. Thenceforth the lands were occupied by large farms, leaving only the reserves for the Guarani. Over the years the reserves have proved to be unviable as they do not correspond to the Guarani's mystical and the ancestral territories. The reserves have not provided security, and land invasions have reduced the Guarani area to 50 per cent of its original size. Colonization programmes also contributed to reduction in Guarani land, and dozens of villages have become extinct over the last three decades. Guarani population growth makes the pressure more acute.

6. Since the 1980s, faced with the lack of government action, the Guarani themselves began to take initiatives to regain their tekohas, and returned to three areas: Pirakuá-Bela Vista, Guaimbé and Jacaré Ranch. The Guarani leader Marcal Tupã'y was assassinated in Pirakuá in November 1983, by ranchers opposed to the Guarani action. The assassins fled and those who ordered the assassination have twice been tried and declared innocent.

7. In the 1990s, the Guarani began a process called retomadas (taking back land) because, despite government recognition of the tekohas as areas of immemorial occupation, it has not taken concrete action to enable the Indians to return to them. Because several of these areas have been invaded by outsiders, the Guarani often face violence on retaking them. This has resulted in the death of dozens of Indians. For example, in tekoha Sete Cerros the religious leader Julio Campos, known as Morenito, his wife Gregoria Oliveira and one of their daughters were assassinated. The case is still under police investigation.

8. Although 39,432 hectares have been ratified as Guarani land, most of it has been invaded and is pending judicial decision. So in practice, the land area occupied by the Guarani is less than this, and is insufficient for the maintenance of their culture and physical survival.

9. Land is a vital reference point for the Guarani, not just in its physical but also in its mystical dimension, which structures the whole of Guarani society around the tekoha. The Guarani need not just any land, but that in which their ancestors built up the mystical base for constructing the "Land without Evil". Over the years, the absence of these lands has led to the de-structuring of Guarani Kaiowá society. The process of expulsion of the Guarani has forced them to take up temporary employment in the region's large farms and alcohol refineries, thus distancing them from the extended family, the traditional form of social organization. This has led to the loss of the mystical reference vital to the maintenance of their cosmovision.

Suicide among the Guarani

10. The analysis of sociologists, anthropologists, lawyers and psychologists converge over the primary cause of the large number of suicides which have taken place in recent years among the Guarani: the lack of land. Between 1986, when the register of suicides among Guarani was reintroduced, until June 1999 there have been at least 300 documented suicides. This represents 1 per cent of the Guarani population.

11. According to anthropologist Rosali Arruda, awareness of suicides in the Dourados area, inhabited also by the Terena indigenous group, began in 1981. At the beginning of the 1970s power was transferred between the official Indian agency to some Terena individuals who became mediators between the State and the indigenous society. Land, which to the Guarani was of collective ownership and held symbolic significance, was expropriated by the mostly Terena members of the Indigenous Police. The resulting land dispute led to violence against the Guarani because their exclusion was necessary for the incorporation of new areas by the Terena. In a 1976 report, the then Bishop Dom Teodardo Leitz denounced the growing rivalry between the Terena and Guarani, as well as the existence of slave labour. The Indigenous Council

(which replaced the Indigenous Police) has, by its use of violence, inhibited any display of discontent on the part of the Guarani, who can be repressed with beatings, prison, expulsion from the area or even murdered. Some of those deaths are reported as suicides.

The influence of religions and loss of shamanism

12. Because they are profoundly mystical, the Guarani are very sensitive to the influence of religions. The first evangelical mission arrived in the area of Dourados in 1928. Other missions were later established in other indigenous areas among the Guarani. The Pentecostals arrived in 1980, and in 1982 had 8 churches inside Guarani areas and a further 10 nearby.

13. The absence of mystical land and the influence of external religions have contributed to the elimination of Guarani shamans. Internal and external repression in recent years has prohibited the emergence of new ones. Nevertheless, some shamans remain, and the Guarani believe they are vital for the way in which they communicate with unknown and dangerous supernatural phenomena. According to Guarani beliefs, illnesses and negative forces materialize in individuals and only the shamans have the power and competence to expel them. In the absence of a shaman, the bewitched individual cannot fight these forces. Suicide becomes an inevitable alternative. For the Guarani, someone who has committed suicide has been bewitched, possessed with negative forces which only a shaman can expel.

II. THE BRAZILIAN STATE

14. The cattle ranches today, like those of coffee and mate (tea) plantations of yesterday, are evicting the Indians from the land.

15. The official Indian agencies (SPI and FUNAI) have rarely treated the Guarani according to their needs. From the beginning of the century, when they removed the Guarani from their tekoha to free up their lands for nationals, or introduced another ethnic group such as the Terena in Guarani land to speed up their integration, the Brazilian State has failed to fulfil its legal obligations as defined in chapter 8, article 231, of the Brazilian Constitution which says that the State must recognize "Indians social organizations, customs, languages, beliefs and traditions, and rights to lands they traditionally occupy, making it due to the Union to demarcate them, protect and make all their goods respected".

16. Reports from FUNAI, anthropologists and the press clearly demonstrate that the Brazilian State was and is aware of the violence unleashed on the Guarani Kaiowá. For example, a 1992 report by FUNAI's Amambai Regional Administrator about the indigenous area of Sete Cerros concludes that "the Indians cannot wait any longer. Urgent measures should be taken, otherwise the tragic deaths which are occurring will increase, with irreversible and irreparable consequences for the Guarani community". Knowledge about the overpopulation in various Guarani areas, about the suicides, external and internal interference, and its own lack of support of the Indians' needs makes the Brazilian State responsible for the social, economic and political disintegration which the Guarani are undergoing.

17. The Brazilian State is in violation of ILO Convention No. 107, to which it is a party, article 13 (1) of which states:

> "Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, insofar as they satisfy the needs of these populations and do not hinder their economic and social development."

Article 14 of the Convention requires States to make "the provision for more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers".

18. Brazil is participating in the drafting of the United Nations Convention on the Rights of Indigenous Peoples which, among other things, recognizes: the urgent need to respect and promote the inherent rights and characteristics of the indigenous peoples, especially their rights to their lands, territories and resources, which derive from the political, economic and social structures and from their cultures, spiritual traditions, history and philosophies.

19. We conclude that the lack of land is the principal cause of the Guarani social, religious, political and economic de-structuring. The Brazilian State has in its power sufficient legal elements with which to return to the Guarani the lands which were taken from them, and consequently offer them the basic elements for the reconstruction of their life.

III. RECOMMENDATIONS

20. Survival International calls on the Sub-Commission to investigate the serious violations of the human rights of the Guarani people in Mato Grosso do Sul State. The Sub-Commission should send an investigative mission to the area to document the grave situation of the Guarani and in particular to document the lack of land, the extremely high rate of suicides and the working conditions in the alcohol factories.

21. We ask the Sub-Commission to raise the question of the Guarani's land rights with the Brazilian Government. The Brazilian Constitution guarantees the rights of indigenous peoples to the lands they originally occupied. It is essential that the Guarani who live in the reserves created by the State, such as Dourados or Amambai, return to their original lands or tekohas. The Guarani, who are now living on minute parcels of land which are totally insufficient for their cultural and economic needs and their expanding population, need the full support and cooperation of the Brazilian authorities.

22. Finally, we call upon the Brazilian Government to provide technical support to restore the Guarani territories degraded by cattle ranching and monoculture plantations and to implement socio-economic projects, in accordance with the Guarani's needs, which will ensure their self-sufficiency and autonomy in the future.